

**REMARKS/ARGUMENTS**

In the non-final Office Action mailed on May 26, 2003 (Paper No. 9), the Examiner rejected claims 25-28, 31, 33-39, and 41-43 under 35 U.S.C. § 102(e) over U.S. Patent Application Publication No. US2002/0042775A1 to Nelson et al. ("Nelson"); rejected claims 29, 30, and 32 under 35 U.S.C. § 103(a) over Nelson in view of U.S. Patent Application Publication No. US2002/0095298A1 to Ewing ("Ewing"); and rejected claim 40 under 35 U.S.C. § 103(a) over Nelson. Applicants hereby amend claims 25, 42, and 43, and present new claim 67. As a result, claims 1-67 are pending, of which claims 1-24 and 44-66 are withdrawn. For the reasons discussed in detail below, applicants submit that the application is now in condition for allowance.

Applicants' techniques are directed to notifying a first user that a second user has purchased a particular item in cases where the first user has a purchase notification relationship with the second user. In some cases, this notification causes the first user to himself or herself purchase the item, increasing sales of the item, to the benefit of the item's seller.

All of the claims stand rejected over Nelson, either alone or in combination with Ewing. Nelson describes a purchaser that purchases an item as a gift for a recipient. In response, the described system sends a gift card to the recipient notifying the recipient of the gift.

The Examiner indicated that the gift card sent to the recipient in response to the purchaser's purchase of the item in Nelson corresponds to the provision of a notification to the first user recited by the claims. The Examiner further indicated that purchaser's act of purchasing the gift item for the recipient in Nelson establishes a purchase notification relationship between the purchaser and the recipient as recited by the claims.

While applicants regard the pending claims to be patentable over Nelson and Ewing in their present form, applicants hereby amend claims 25 and 42 to explicitly recite that the determined purchase notification relationship is "established

independently from a purchase of the item by the second user." Applicants submit that claims 25 and 42, as amended, are unarguably patentable over combinations including Nelson, as are their dependent claims 26-41.

Applicants further amend claim 43 to recite that the detected purchase of the item is "for a recipient other than the first user." Applicants submit that claim 43, as amended, is unarguably patentable over combinations including Nelson, as is its dependent claim 67.

In view of the foregoing, applicants respectfully request that the Examiner reconsider and withdraw the pending prior art rejections.

Applicants note that Nelson constitutes prior art to the present application under 35 U.S.C. § 102(e) only by virtue of the filing date of the provisional patent application whose benefit it claims, U.S. Patent Application No. 60/239,418. The following portions of Nelson relied upon by the Examiner are not present in that provisional patent application, rendering them unavailable for use in a proper rejection under 35 U.S.C. § 102(e), or a proper rejection under 35 U.S.C. § 103(a) based on 35 U.S.C. § 102(e): paragraph 66; paragraph 31, lines 16-21; paragraph 31, lines 20-21; paragraph 56, lines 6-7; and paragraph 57. In the event that the Examiner elects to maintain any of the pending rejections, applicants respectfully request that the Examiner identify portions of Nelson disclosing the elements of the claimed invention that are present in the provisional application.

In view of the foregoing, applicants respectfully request that the Examiner promptly withdraw the pending rejections and issue a notice of allowance. If the Examiner has any questions or believes that a telephone conference would expedite examination of this application, she is encouraged to telephone the undersigned at (206) 359-8000.

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Respectfully submitted,  
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